

HB5466



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5466

Introduced 2/9/2024, by Rep. Nicole La Ha

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-18.1

from Ch. 38, par. 11-18.1

Amends the Criminal Code of 2012. Deletes an affirmative defense to the charge of patronizing a minor engaged in prostitution that the accused reasonably believed that the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.

LRB103 36844 RLC 66956 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Section 11-18.1 as follows:

6 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

7 Sec. 11-18.1. Patronizing a minor engaged in prostitution.

8 (a) Any person who engages in an act of sexual penetration
9 as defined in Section 11-0.1 of this Code with a person engaged
10 in prostitution who is under 18 years of age or is a person
11 with a severe or profound intellectual disability commits
12 patronizing a minor engaged in prostitution.

13 (a-5) Any person who engages in any touching or fondling,
14 with a person engaged in prostitution who either is under 18
15 years of age or is a person with a severe or profound
16 intellectual disability, of the sex organs of one person by
17 the other person, with the intent to achieve sexual arousal or
18 gratification, commits patronizing a minor engaged in
19 prostitution.

20 (b) (Blank). ~~It is an affirmative defense to the charge of~~
21 ~~patronizing a minor engaged in prostitution that the accused~~
22 ~~reasonably believed that the person was of the age of 18 years~~
23 ~~or over or was not a person with a severe or profound~~

1 ~~intellectual disability at the time of the act giving rise to~~
2 ~~the charge.~~

3 (c) Sentence. A person who commits patronizing a juvenile
4 prostitute is guilty of a Class 3 felony, unless committed
5 within 1,000 feet of real property comprising a school, in
6 which case it is a Class 2 felony. A person convicted of a
7 second or subsequent violation of this Section, or of any
8 combination of such number of convictions under this Section
9 and Sections 11-14 (prostitution), 11-14.1 (solicitation of a
10 sexual act), 11-14.3 (promoting prostitution), 11-14.4
11 (promoting juvenile prostitution), 11-15 (soliciting for a
12 prostitute), 11-15.1 (soliciting for a juvenile prostitute),
13 11-16 (pandering), 11-17 (keeping a place of prostitution),
14 11-17.1 (keeping a place of juvenile prostitution), 11-18
15 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile
16 pimping or aggravated juvenile pimping), or 11-19.2
17 (exploitation of a child) of this Code, is guilty of a Class 2
18 felony. The fact of such conviction is not an element of the
19 offense and may not be disclosed to the jury during trial
20 unless otherwise permitted by issues properly raised during
21 such trial.

22 (Source: P.A. 99-143, eff. 7-27-15.)